

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>LIFESTYLE COMMUNITIES, LTD., <i>et al.</i>,</b>	)	Civil Action 2:22-CV-1775
	)	
Plaintiffs,	)	
v.	)	Judge Sarah D. Morrison
	)	
<b>CITY OF WORTHINGTON, OHIO,</b>	)	
	)	
Defendant.	)	Magistrate Judge Elizabeth P. Deavers
	)	

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**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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**EXHIBIT 12**

**DECLARATION OF JODE L. BALLARD**

I, Jode L. Ballard, hereby declare as follows on the basis of my personal knowledge:

1. I am over eighteen years of age.
2. I am competent to testify about the matters set forth herein.
3. I was the Director of Development for Lifestyle Communities, Ltd. ("Lifestyle").

I have personal knowledge of the facts set forth herein and any opinions I provide are based upon such knowledge, as well as my own knowledge and expertise concerning land planning and, in my capacity as Lifestyle's Director of Development, Lifestyle's efforts in 2019 to develop the property located at 1033 High Street, in Worthington, Ohio (the "UMCH Property").

4. I attended the Worthington, Ohio City Council's retreat on February 9, 2019 (the "Retreat"). During the Retreat, members of City Council, Worthington's staff, and Dr. Herb Marlowe discussed the UMCH Property and Lifestyle.

5. I memorialized the events that occurred and the statements that were made during the discussion on the UMCH Property and Lifestyle in a written memorandum dated February 12, 2019 ("Memorandum"). A true and accurate copy of the Memorandum is attached and incorporated herein as Exhibit 1.

6. The Memorandum accurately sets forth my notes and recollection of the statements that were made by City Council members and Worthington's staff about the UMCH Property and Lifestyle. I saved the Memorandum in our company's planning files for the UMCH Property.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22nd day of March 2022.

**Jode L  
Ballard**

Jode L. Ballard

Digitally signed by  
Jode L Ballard  
Date: 2022.03.22  
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# **EXHIBIT 1**



## INTERNAL MEMORANDUM

Date: February 12, 2019

RE: Meeting Notes from Worthington, Ohio's 2019 City Council Retreat

From: Jode Ballard 

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I attended the Worthington, Ohio City Council's Retreat on Saturday February 9, 2019 from noon until 3pm. My notes regarding the Council's discussion of the UMCH site with moderator Dr. Herb Marlowe and City Staff's input, no public comment occurred.

**Councilman Doug Foust:** He is not interested in Jaromir Steiner because he previously told this councilman that any proposal would need to be approved by Michael DeAscentis. Michael appears to be a third-rail for this councilman.

**Councilman David Robinson:** Mentioned that LC lied to some of this group on Council.

**Councilman W. Scott Myers:** Said that UMCH and LC are not willing to talk with the City.

**Councilman David Robinson:** Feels once the City Council denies LC and Jaromir Steiner walks away, that LC will buckle and realize the only option remaining is to sell the land to the City.

**Councilman Doug Foust:** Said we are applying heat to UMCH by revoking their tax exempt status.

**City Manager Matt Greeson:** Cited an option in which the City obtains a park on the UMCH site and the development elements along High Street create value to the tax rolls to offset City's the costs of purchasing the park component.

The Retreat had a break at 2:10pm, I was Questioned by Councilman David Robinson, City Manager Matt Greeson and Council President Bonnie Michael about who I was. After it was known that LC had a representative present, the Retreat reconvened after the break and said the meeting would only last 10 more mins. The Councilmembers were generally less open to speaking after the break, with the exception of Councilman Doug Smith.

**Councilman Doug Smith:** Anything that is proposed will be denied.

The discussion topic of UMCH's site was closed, and the moderator lead a wrap-up of the Retreat, then the meeting was adjourned.